

NATURAL RESOURCE CONCERNS WITHIN HANFORD'S 1100 AREA

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EDMC

Part One

Background

Regulatory Drivers

- 40 CFR Part 300, Subpart G - Trustees for Natural Resources
 - Authorizes trustees to file damage claims for unmitigated injury to natural resources
- 43 CFR Part 11 - Natural Resource Damage Assessment
 - Process for preparing damage claims

Natural Resources

“Land, fish, wildlife, biota, air, water, groundwater, drinking water ... belonging to, managed by, held in trust by or otherwise controlled by the United States”

Injury

“A measurable adverse change ...
to a natural resource resulting ...
from exposure to a release of a
hazardous substance”

Natural Resource Trustee

“Any CERCLA designated federal natural resources management agency ... and state agency ... or Indian tribe ... that may prosecute claims for damages”

Damages

“The amount of money sought by a natural resource trustee as compensation for injury, destruction or loss of natural resources”

Hanford Natural Resource Trustees

- U.S. Department of Energy
- U.S. Department of Interior
- U.S. Department of Commerce
- State of Washington
- State of Oregon
- Yakama Nation
- Confederated Tribes of the Umatilla Indian Reservation
- Nez Perce Tribe

Purpose Of The NRTC

Facilitate the coordination and cooperation of the member trustees in their efforts to restore natural resources injured as a result of, or during cleanup of, releases associated with the U.S. Department of Energy's Hanford Site.

Trustee Responsibilities

- Conduct Preassessment Screens
- Perform Damage Assessments
- Devise and Implement Restoration Plans

Preassessment Screen

“A rapid review of readily available information ... to identify potential injury to natural resources”

Preassessment Screen Criteria

“Five regulatory preassessment screen criteria must be met before proceeding with a damage assessment”

Criteria

- A release of a hazardous substance has occurred.
- Natural resources have been or are likely to be adversely affected by the release.
- The quantity and concentration of the released hazardous substance is sufficient to cause injury.
- Data sufficient to pursue a damage assessment are readily available.
- Response actions, carried out, do not sufficiently remedy the injury to natural resources without further action.

Natural Resource Damage Assessment

“The process of collecting and analyzing data ... to determine damages and/or restoration for injury to natural resources”

Damage Assessment Process

- Pathway Determination
- Injury Determination
- Damages Determination
- Restoration and Compensation

Reasonable Cost

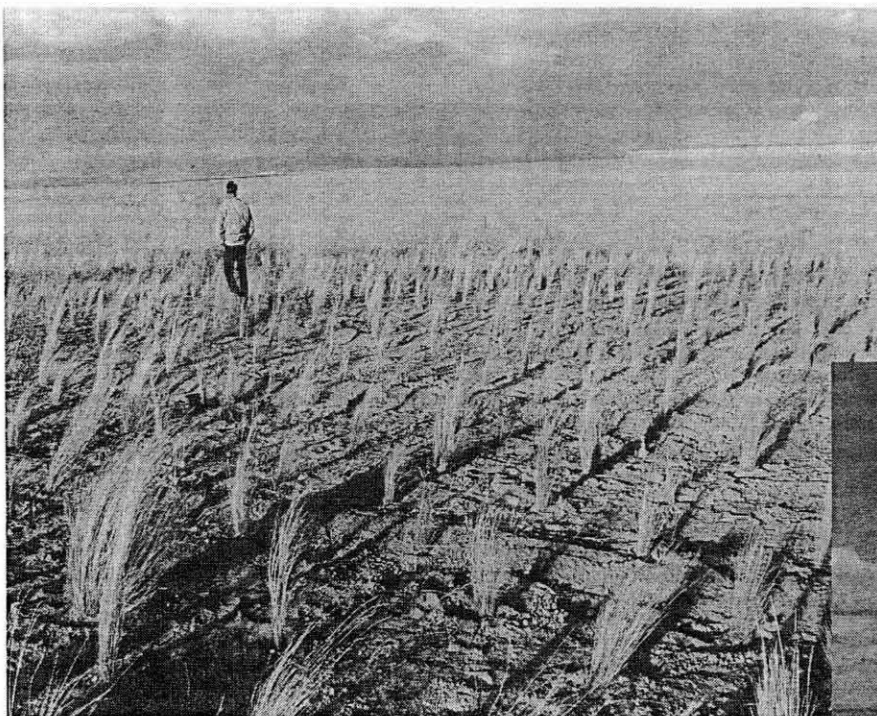
43 CFR 11.14ee: “Costs are considered reasonable when the anticipated cost of the assessment is expected to be less than the anticipated damage amount.”

What damages may a Trustee recover?

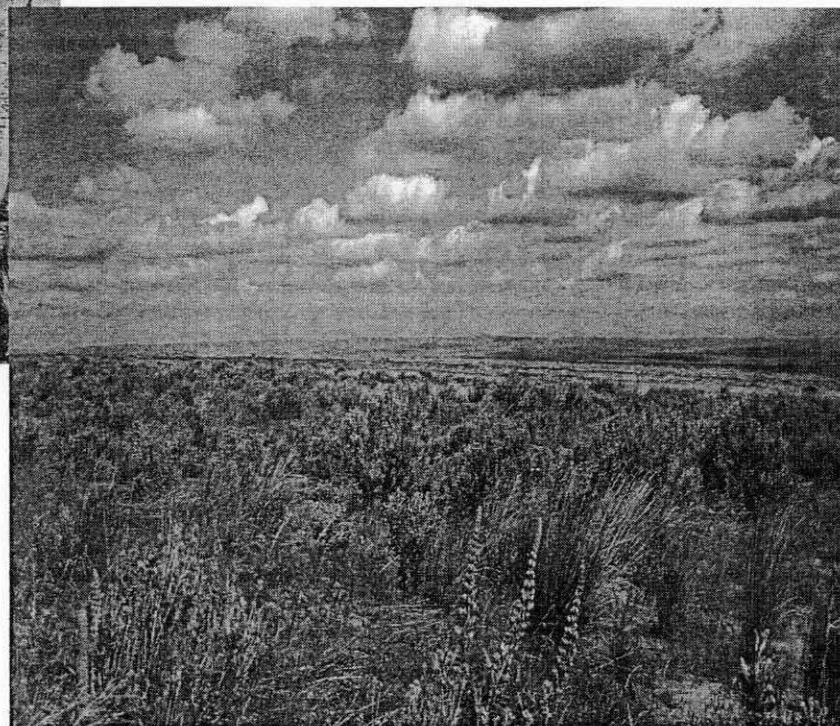
- Damages as determined in accordance with the NRDA regulations
- The reasonable and necessary costs of the damage assessment

Part Two

Tribal Issues

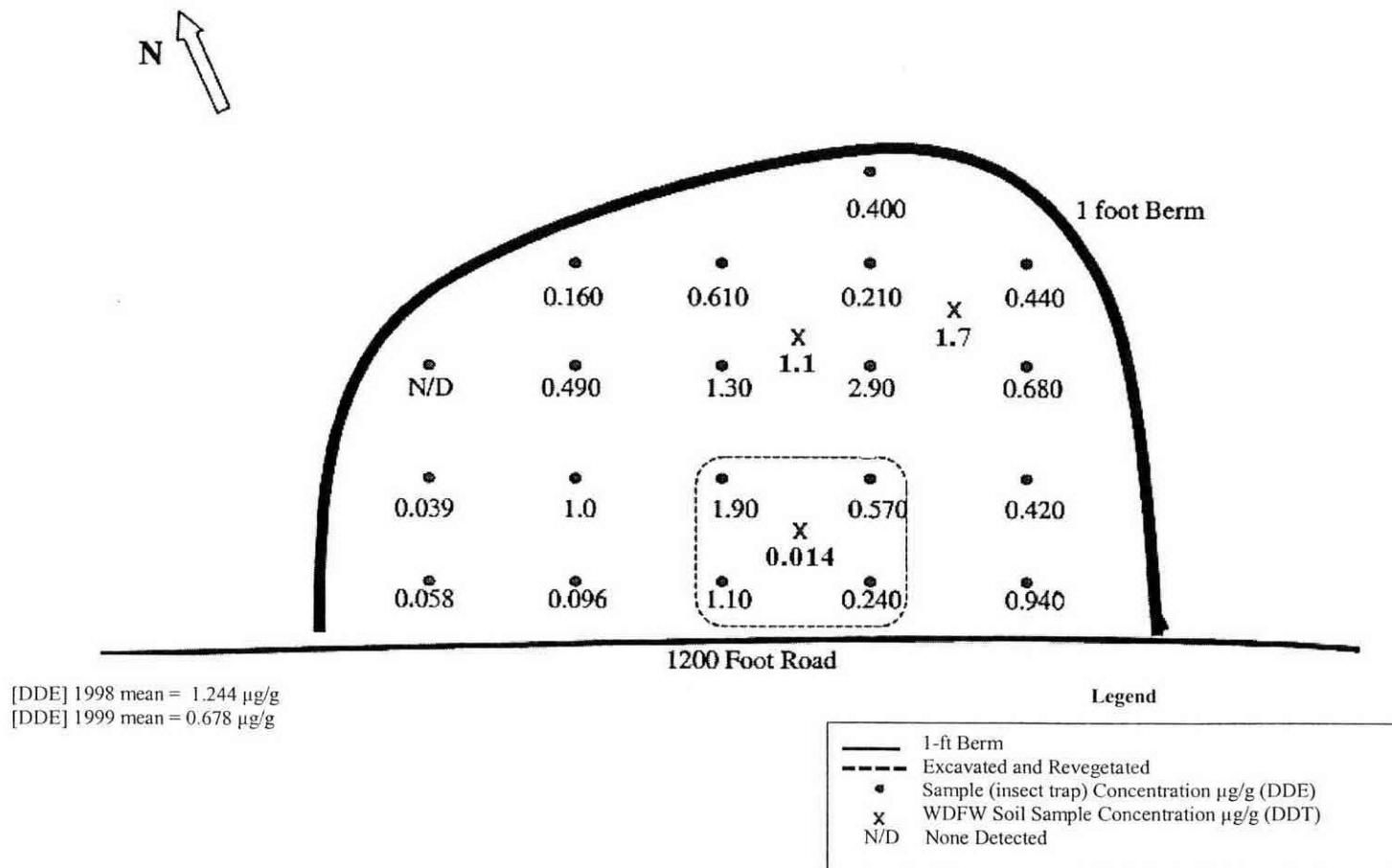


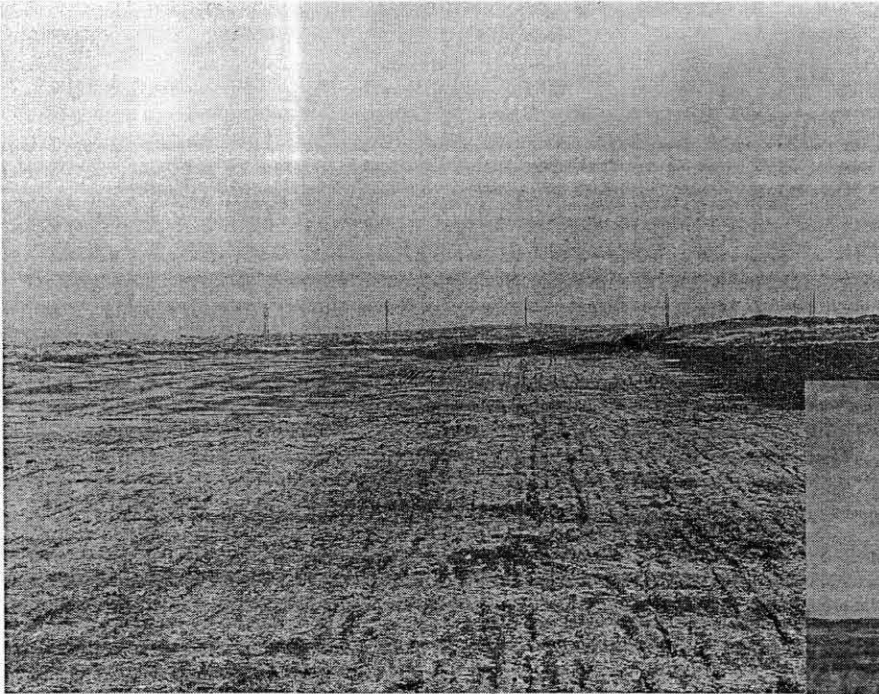
Horseshoe Landfill - Fall 1995



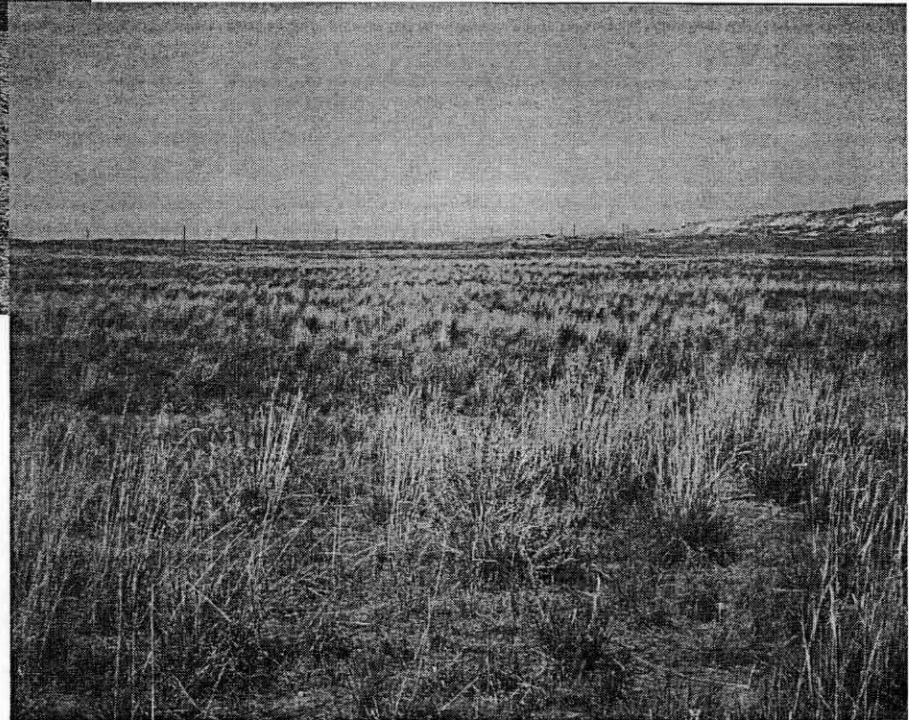
Horseshoe Landfill - May 2000

DDT/DDE in Soil and Insect Tissue at Horseshoe Landfill



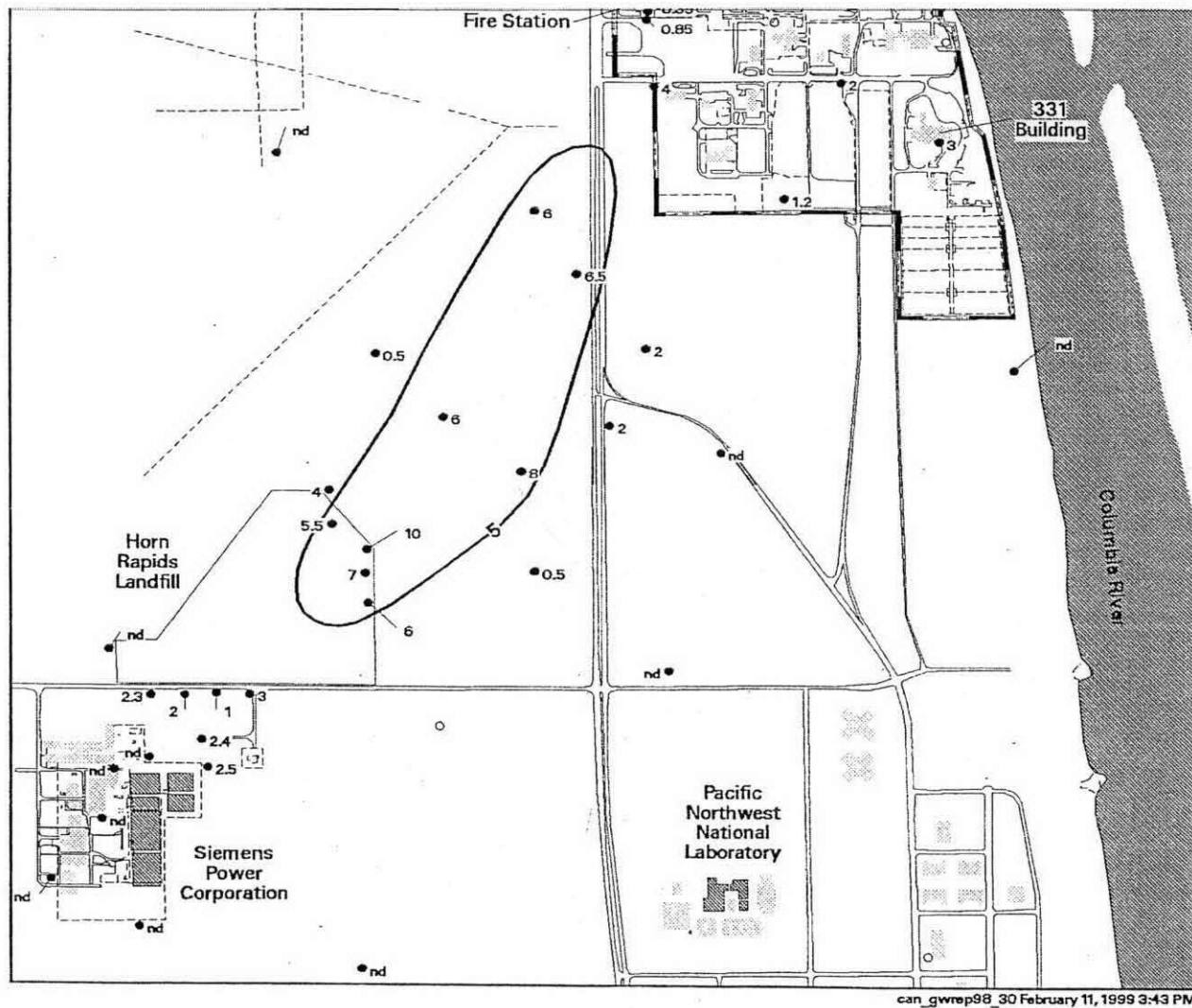


Horn Rapids Landfill - Fall 1995



Horn Rapids Landfill - April 2000

Natural Resource Concerns



Average Trichloroethylene Concentrations for the 300 and Richland North Areas, Top of Unconfined Aquifer

NRTC 1100 Area Preassessment Screen

“Response actions carried out do not sufficiently remedy the injury to natural resources without further action.”

The trustees believe that natural resource injury has occurred or may be occurring at waste sites within the 1100 Area. However, for various reasons cited among the trustees, the trustees have decided not to proceed with a damage assessment.

Natural Resource Concerns



CHAIR:
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**CHURCH MEMBERS &
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Don Landeen

State of Oregon
Department of Energy
Susan Coburn Hughes

State of Washington
Department of Ecology
Larry Goldstein

Department of Fish and Wildlife
Lauri Vigor
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U.S. Department of Energy
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U.S. Department of the Interior
Proctor Sleeper
Bureau of Land Management

Idaho Fish and Wildlife
Tom O'Brien

Yakama Nation
Tom Zeisloff

November 16, 2000

Keith Klein, Manager
U.S. Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

TRANSMITTAL OF PREASSESSMENT SCREEN DETERMINATION FOR THE
HANFORD 1100 AREA NATIONAL PRIORITY LIST SITE

Dear Mr. Klein:

The Natural Resource Damage Assessment (NRDA) regulations contained in 43 CFR, Part 11(a) state, "Before beginning any assessment efforts under this part, the authorized official shall complete a preassessment screen and make a determination as to whether an assessment under this part shall be carried out." To assist those officials who may be authorized to make this determination with regards to the Hanford 1100 Area National Priority List Site, the Hanford Natural Resource Trustee Council (HNRTC) completed an 1100 Area Preassessment Screen Determination (PAD). The HNRTC is hereby providing this document to you for your use in making the required determination for the 1100 Area.

It is the finding of the HNRTC that natural resource injury has occurred or may be occurring at waste sites within the 1100 Area. However, the HNRTC has decided not to proceed with a damage assessment. The finding represents the consensus opinion of the HNRTC and each authorized official shall make the determination for his or her individual trustee agency. If each of the authorized officials agree with the finding of the HNRTC, it is our intent to transmit the PAD to the U.S. Department of Energy, Richland Operations Office under the Council's letterhead. We therefore request that you inform us of your determination as soon as it is completed or within 30 days of the date of this letter. We look forward to hearing from you and thank you for your cooperation in this matter.

Sincerely,

Thomas F. O'Brien

Thomas F. O'Brien, Chair
Hanford Natural Resource Trustee Council

TFO:le

Attachment: 1100 Area Preassessment Determination

**RL COMMITMENT
CONTROL**

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**RICHLAND
OPERATIONS OFFICE**

"However, the HNRTC
has decided not to
proceed with a damage
assessment."

Tribal 1100 Area Preassessment Screens

“Response actions carried out do not sufficiently remedy the injury to natural resources without further action.”

This Preassessment Screen Determination supports the conclusion that natural resources have incurred injuries at the Horseshoe Landfill 1100-IU-1 Operable Unit as well as the TCE groundwater plume in the 1100-EM-1 Operable Unit, and that a Natural Resource Damage Assessment should be conducted.

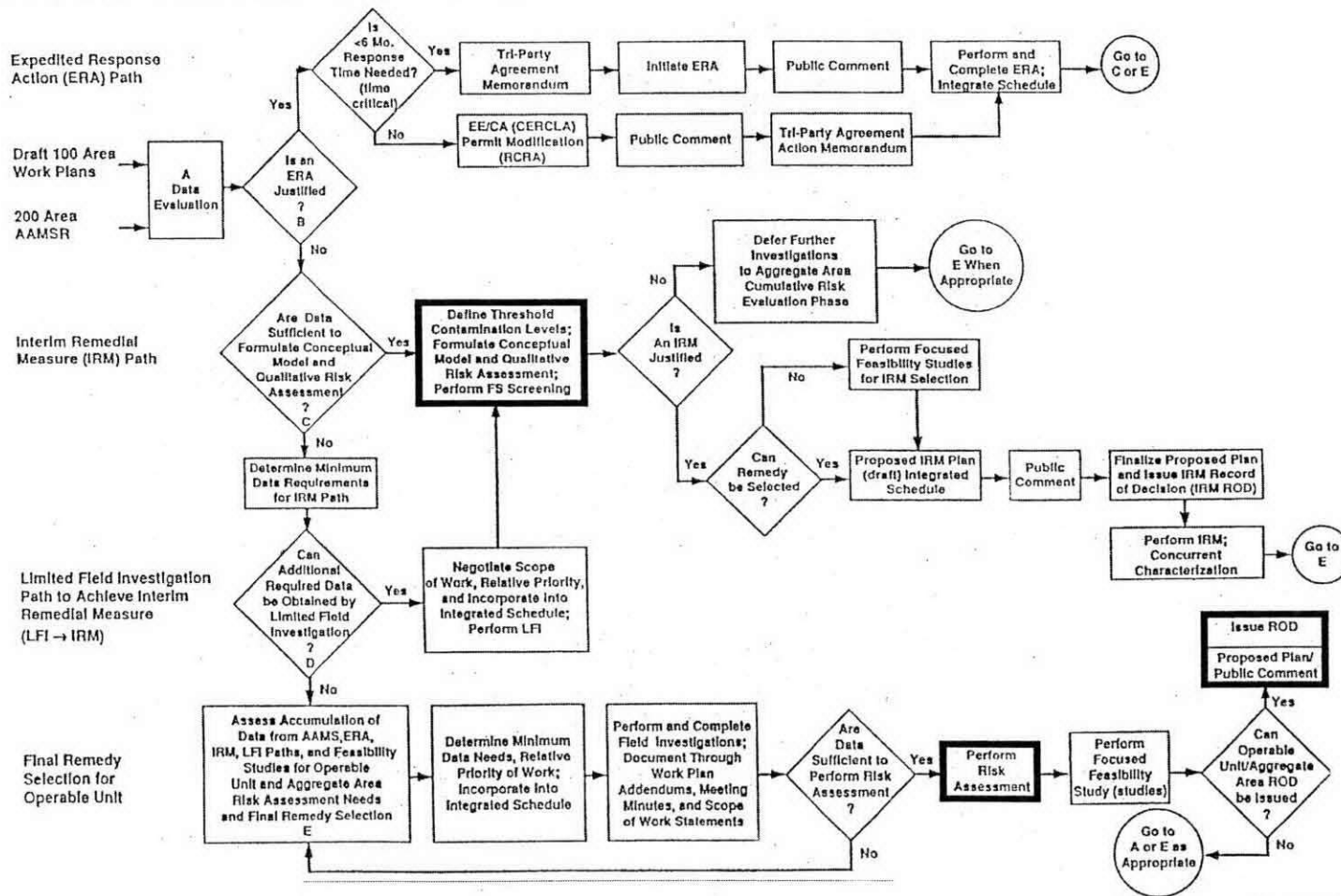
Issues

- Hanford Past Practice Strategy
- Tribal Treaty Rights
- Tribal Statute of Limitations/Tolling Agreement
- NRDA Reasonable Costs
- NRDA Recoverable Costs
- U.S. Fish & Wildlife Service Involvement
- DOE-RL's Pending Preassessment Determination

Natural Resource Concerns

Hanford Past Practice RI/FS (RFI/CMS) Process

The process is defined as a combination of interim cleanup actions (involving concurrent characterization), field investigations for final remedy selection where interim actions are not clearly justified, and feasibility/treatability studies.



Tribal Treaty Rights

- Tribal Governments and DOE agree that the Tribal member's treaty-reserved right of taking fish at all "usual and accustomed" places applies to the Hanford Reach of the Columbia River where it passes through Hanford.
- Tribal Governments and DOE, however, disagree over the applicability of Tribal member's treaty-reserved rights to hunt, gather plants, and pasture livestock on the Hanford Site.

Recommendation

- Horseshoe Landfill
 - Soil Sampling
 - Soil Excavation as needed
 - Negotiate Assessment Model for the 100/300 Areas
- Horn Rapids Landfill
 - No further action required.